

REMARKS

Reconsideration of the application as presently amended is respectfully requested. Claims 1-27 have been amended. No new claims have been added. No claims have been cancelled. Applicant respectfully submits that no new matter has been added by the claim amendments herein.

Claims 1-2, 8, and 14 stand objected to because of various informalities. In particular, the term *adapted to* is objected to as language that suggests or makes optional but does not require steps to be performed. In response to these objections, Applicant has amended the claims and respectfully requests that the objections be withdrawn.

Claims 1-27 stand rejected under 35 USC 102(e) as anticipated by U.S. Patent No. 6,546,488 to Dillon et al. ("Dillon"). Dillon is directed to a system for broadcasting newsgroup information to a plurality of users. The Dillon system uses a news server, a newscast transmitter, a satellite gateway and a subscriber station. The news server gathers news group information from internet news groups. The newscast transmitter, along with the satellite gateway and a satellite, distributes the information to a plurality of subscriber stations. The subscriber stations each include a personal news server, storage media, and a news reader. The news reader filters news group information received based upon subscription information stored only local to the receiver. The filtered news group information is stored on the storage media for use at a later time.

Applicant respectfully submits that Dillon fails to teach or suggest at least one of the distinguishing features of independent claim 1, namely, a cluster of servers, wherein at least one of the servers in the cluster of servers stores retrieved articles from a backend server when the articles are requested by a customer. In contrast to amended independent claim 1, Dillon does not teach or suggest a system that includes this distinguishing feature. In particular, the Office Action has asserted that elements 50 and 55 represent a cluster of servers. Even if it is assumed, for the sake of argument, that elements 50 and 55 of Dillon are a cluster of servers, neither of these servers stores retrieved articles from a backend server when the articles are requested by a

customer, as is required by claim 1. Indeed, neither the server 50 nor any of the servers 55 ever stores retrieved articles from any server when the articles are requested by a customer.

The system set forth in Dillon is a multi-cast network in which data is unidirectionally multi-cast to a subscriber station. In Dillon, there is no customer request for articles that results in at least one server of a cluster of servers storing those articles from a backend server. FIGURE 2 of Dillon illustrates this fact. In FIGURE 2, the subscriber station 82 has only a single link over which an article request could conceivably be sent, namely the link to the news server 50. However, this link is explicitly described in Dillon as only being used to allow the subscriber station 82 to post articles and is never described in Dillon as being used to allow an article request to be made.

In contrast to claim 1, in Dillon, data is periodically streamed to a subscriber station and is in no way dependent upon a customer request. Dillon makes particular mention of the desire to protect the security of a client's Usenet subscriptions; as a result, subscriptions are kept local to the subscriber in the Dillon system. Moreover, while in the Dillon system, a client may request data from the ISP news server of Figure 10, retrieval and storage of data on the ISP news server is not dependent upon or triggered due to a client request. The ISP news server is merely a pool of available Usenet data that may be drawn from.

Applicant also respectfully submits that Dillon fails to teach or suggest at least one additional distinguishing feature of independent claim 1, namely, a second communication link, wherein the second communication link provides article requests from at least a first customer to the cluster of servers and provides at least one of the retrieved articles to the at least one customer. As noted above, Dillon does not teach or suggest customer requests for particular articles. Rather, Dillon teaches a system in which Usenet articles are forwarded to a client and filtered according to locally stored subscriptions at the client computer. The Office Action points to Figures 2 and 10 and column 4, lines 12-36 and column 6, lines 19-57 of Dillon as teaching this feature of claim 1. However, Applicant respectfully submits that the cited portions of Dillon do not teach or suggest this feature.

In particular, at column 4, lines 9-21, Dillon describes that a user at the subscriber station 80 may select the news groups that he wants to subscribe to and that these selections are retained locally in the subscriber station 80 and not transferred to the news server 50. As such, the news server 50 receives all available news group articles, which information is transferred to the news server 50 regardless of whether any of the subscriber stations 80 have selected to received the obtained news group information. Moreover, Dillon emphasizes that it is necessary for the news server 50 to obtain all news group information because the news server does not have knowledge of each user's subscriptions. As noted above, the subscriber station is described in Dillon as filtering the news group information broadcast to it and retains only the list of news groups available and articles posted to news groups to which the user at the subscriber station 80 has subscribed.

For at least the above reasons, Applicant respectfully submits that amended independent claim 1 distinguishes over Dillon and is in condition for allowance. Withdrawal of the rejection of independent claim 1 as anticipated by Dillon is respectfully requested.

Independent claims 2-13 depend from and further limit independent claim 1 in a patentable sense. For at least the same reasons as those set forth above with respect to the rejection of independent claim 1 as anticipated by Dillon, Applicant respectfully submits that independent claims 2-13 also distinguish over Dillon and are in condition for allowance. Withdrawal of the rejection of independent claims 2-13 as anticipated by Dillon is respectfully requested.

Independent claim 14 is directed to a storage and retrieval system. In similar fashion to independent claim 1, Dillon fails to teach or suggest at least one of the distinguishing features of amended independent claim 14, namely, a first server of a plurality of servers that accepts a request for a first article from a customer, wherein the first server, via a communication link, queries that plurality of servers for the first article. Applicant respectfully submits that amended independent claim 14 distinguishes over Dillon and is in condition for allowance. Withdrawal of the rejection of independent claim 14 as anticipated by Dillon is respectfully requested.

Independent claims 15-24 depend from and further limit independent claim 14 in a patentable sense. For at least the same reasons as those set forth above, with respect to the rejection of independent claim 14 as anticipated by Dillon, independent claims 15-24 also distinguish over Dillon and are in condition for allowance. Applicant respectfully requests that the rejection of independent claims 15-24 be withdrawn.

Independent claim 25 is directed to a method for providing news services. For similar reasons to those set forth above with respect to the rejection of independent claim 1 as anticipated by Dillon, Applicant respectfully submits that Dillon fails to teach or suggest at least one of the distinguishing features of independent claim 25, namely, receiving a request for news services from a client associated with a local network cluster, determining whether the requested news services are available from news servers in the local network cluster, and, if so, retrieving the requested news services from the news servers in the local network cluster and providing the requested news services to the client directly from the local network cluster. For similar reasons to those set forth above with respect to the rejection of independent claim 1 as anticipated by Dillon, Applicant respectfully submits that independent claim 25 distinguishes over Dillon and is in condition for allowance. Withdrawal of the rejection of independent claim 25 as anticipated by Dillon is respectfully requested.

Independent claims 26-27 depend from and further limit independent claim 25 in a patentable sense. For at least the same reasons as those set forth above with respect to independent claim 25, independent claims 26-27 also distinguish over Dillon and are in condition for allowance. Withdrawal of the rejection of independent claims 26-27 is respectfully requested.

In view of the above amendments and remarks, Applicant believes the pending application to be in condition for allowance. A Notice to that effect is respectfully requested.

Dated: July 30, 2007

Respectfully submitted,

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